



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,878	02/22/2002	Paul Trevithick	PARITY-101J	9151

32488 7590 11/14/2005

IANDIORIO & TESKA
260 BEAR HILL ROAD
WALTHAM, MA 02451-1018

EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,878

Applicant(s)

TREVITHICK ET AL.

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is response to amendment filed on 8/29/2005. Claims 28 and 29 are newly added. Claims 1-29 are presented for examination.
2. The Examiner stated in the last Office action dated 4/1/2005 that claims 12 and 25 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, the objection is withdrawn in view of the new ground(s) of rejection.
3. This Office action is Non-final.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-11, 13-24, 26 and 27 are rejected under 35 U.S.C. 102(e) as being

anticipated by Horvitz et al. (2003/0046421), hereinafter referred to as Horvitz.

6. As to claims 1 and 15, Horvitz discloses the invention as claimed, including a method of characterizing relationships among members of a social network (structural relationship between the user and the sender; page 2, [0015]; names on pre-determined list of important people; page 13, [0136]; [0138]-[0141]; sender-recipient structural relationship; page 16, [0251]), the method comprising the steps of:

receiving a plurality of messages (34, fig. 1) communicated during a dialogue between members of a social network (receiving a plurality of message 34; page 4, [0064]-[0065]);

determining a purpose for each of the messages (messages are saved, copied or forwarded; page 5, [0071]; page 9, [0095], lines 18-19; identify the senders, such as family member, friends, company/organization; information about the structure of organizational relationship relative to the user; past tense information; future-tense information; Meeting and Coordination Information; Resolved Date; Questions; Indications of Personal Requests; Indications of Need; Indications of Time Criticality; Importance; Signs of Commercial and Adult-Content Junk E-Mail; page 12, [0124] – page 14, [0218]; messages are read first, and lower-priority messages are reviewed later, and/or deleted; page 14, [0225]);

determining at least one pattern in the messages communicated during the dialogue (monitoring keyboard activities, presence detectors, pauses when reviewing messages, how quickly messages are opened or deleted; page 5, [0071]); and

characterizing the relationships among the members of the social network based on the pattern and purposes of the messages (structural relationship between the user and the sender; page 2, [0015]; names on pre-determined list of important people; page 13, [0136]; [0138]-[0141]; sender-recipient structural relationship; page 16, [0251]).

7. As to claim 2, Horvitz discloses selecting one of a plurality of purpose categories; and embedding indicia of the selected purpose category in at least one of the plurality of messages (Information in a Message Header, page 12, [0126]-[0131]; Meeting and Coordination Information, page 13, [0159]; Questions, page 13, [0173]; page 13, [0174]-[0210]; page 14, [0212]).

8. As to claim 3, Horvitz discloses determining the purpose of at least one of the plurality of messages by extracting the indicia therefrom (page 14, [0219]).

9. As to claim 4, Horvitz discloses determining the purpose of each of the messages by extracting indicia of such purpose from a body section of each message (filtering messages; page 9, [0100]; category classification, binary features values; page 12, [0120]).

10. As to claim 5, Horvitz discloses determining the purpose of each of the messages by extracting indicia of such purpose from a header section of each message (information in a message header; page 12, [0125]-[0142]).

11. As to claim 6, Horvitz discloses at least one of the messages is an electronic mail message (email; page 2, [0017]).

12. As to claim 7, Horvitz discloses wherein the purpose determined for each of the messages is selected from at least one of a note, an acknowledgement, a counter, a reverse counter, a complete, a commit, an acceptance (saving or opening messages; page 5, [0071]), a decline (deleting message; [age 5, [0071]), an offer, an invitation (arrange a meeting, like to invite, page 13, [0159]-[0168]), a withdrawal, an opt-out, a request (Indications of Personal Requests, page 13, [0174]-[0182]), and a question (Questions, page 13, [0173]):

13. As to claim 8, Horvitz discloses wherein the pattern in the messages corresponds to one of a frequency of interaction (page 2, [0011], lines 14-16; frequency counts, page 12, [0120], lines 10-13), a latency in response (monitoring keyboard activities, presence detectors, pauses when reviewing messages, how quickly messages are opened or deleted; page 5, [0071]), a latency in completion, a successful completion ratio, a nonresponsive ration, an unsuccessful ration, and a number of participating members until completion.

14. As to claim 9, Horvitz discloses analyzing the purpose for each of the messages to determine the pattern in the messages (page 5, [0071]; page 13, [0174]-[0210]; page

14, [0212]-[0223]; messages are read first, and lower-priority messages are reviewed later, and/or deleted; page 14, [0225]).

15. As to claim 10, Horvitz discloses classifying the purpose for each of the messages as one of a favorable (messages can be classified as high degrees of importance; page 4, [0062], lines 10-13; names on pre-determined list of important people; page 13, [0136]; [0138]-[0141]), unfavorable (non-importance, junk, mail; page 1, [0004], lines 14-15; messages can be classified as low degrees of importance; page 4, [0062], lines 10-13; junk email; page 14, [0212]-[0218]), and neutral type (messages can be classified as medium degrees of importance; page 4, [0062], lines 10-13).

16. As to claim 11, Horvitz discloses assigning a score to each of the members of the social network participating in the dialogue (priority setting; 124, fig. 2; messages are classified as high, medium, low or other degrees of importance; page 4, [0062], lines 1-13; page 7, [0080]; [0084], lines 10-13), the score assigned to each participating member being based at least in part on the purpose determined for each of the messages transmitted by that participating member (page 4, [0062], lines 13-19; [0066]; page 7, [0081], lines 7-13).

17. As to claim 13, Horvitz discloses repeating each of the steps in claim 1 for a plurality of dialogues between the members of the social network (classifier is periodically refined by training...; page 14, [0225]).

18. As to claim 14, Horvitz discloses using the scores and characterized relationships of the members to select members of a new social network (structural relationship between the user and the sender; page 2, [0015]; To: Field, recipient information; page 12, [0128]-[0131]; From: Field, sender information; page 13, [0132]-[0141]; names on pre-determined list of important people; page 13, [0136]; [0138]-[0141]; sender-recipient structural relationship; page 16, [0251]).

19. As to claim 16, it is rejected for the same reasons set forth in claim 2 above.

20. As to claim 17, it is rejected for the same reasons set forth in claim 4 above.

21. As to claim 18, it is rejected for the same reasons set forth in claim 5 above.

22. As to claim 19, it is rejected for the same reasons set forth in claim 6 above.

23. As to claim 20, it is rejected for the same reasons set forth in claim 7 above.

24. As to claim 21, it is rejected for the same reasons set forth in claim 8 above.

25. As to claim 22, it is rejected for the same reasons set forth in claim 9 above.

26. As to claim 23, it is rejected for the same reasons set forth in claim 10 above.

27. As to claim 24, it is rejected for the same reasons set forth in claim 11 above.

28. As to claim 26, it is rejected for the same reasons set forth in claim 13 above.

29. As to claim 27, it is rejected for the same reasons set forth in claim 14 above.

Claim Rejections - 35 USC § 103

30. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

31. Claims 12, 25, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz, in view of Isaacs et al. (US 6,832,245), hereinafter Isaacs.

32. As to claims 12 and 25, Horvitz does not specifically disclose incrementing the score assigned to a particular one of the participating members in response to favorable purposes associated with messages transmitted by that particular participating member; and decrementing the score assigned to the particular participating member in response

to unfavorable purposes associated with messages transmitted by that particular participating member. However, Isaacs discloses incrementing the score assigned to a particular one of the participating members in response to favorable purposes associated with messages transmitted by that particular participating member (the score may be adjusted by a number of factors by increasing the score... score may be modified...rating higher or lower accordingly depending on the preferences of the user; col. 6, line 53 – col. 7, line 13); and decrementing the score assigned to the particular participating member in response to unfavorable purposes associated with messages transmitted by that particular participating member (the score may be adjusted by a number of factors... SPAM or unsolicited electronic mail... score may be modified based on if the content of a message is informal, slang; col. 6, line 53 – col. 7, line 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Horvitz and Isaacs because Isaacs' adjusting the score would improve analyze user's communication messages by scoring the message depending on the preferences of the user (Isaacs, col. 6, line 53 – col. 7, line 13).

33. As to claims 28 and 29, they are rejected for the same reasons set forth in claims 1 and 15 above. Horvitz does not specifically disclose incrementing the score assigned to a particular one of the participating members in response to favorable purposes associated with messages transmitted by that particular participating member; and decrementing the score assigned to the particular participating member in response to unfavorable purposes associated with messages transmitted by that particular

Art Unit: 2154

participating member. However, Isaacs discloses incrementing the score assigned to a particular one of the participating members in response to favorable purposes associated with messages transmitted by that particular participating member (the score may be adjusted by a number of factors by increasing the score... score may be modified... rating higher or lower accordingly depending on the preferences of the user; col. 6, line 53 – col. 7, line 13); and decrementing the score assigned to the particular participating member in response to unfavorable purposes associated with messages transmitted by that particular participating member (the score may be adjusted by a number of factors... SPAM or unsolicited electronic mail... score may be modified based on if the content of a message is informal, slang; col. 6, line 53 – col. 7, line 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Horvitz and Isaacs because Isaacs' adjusting the score would improve analyze user's communication messages by scoring the message depending on the preferences of the user (Isaacs, col. 6, line 53 – col. 7, line 13).

34. Claims 12, 25, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz, in view of Pollack et al. (US 6,578,025), hereinafter Pollack.

35. Horvitz does not specifically disclose incrementing the score assigned to a particular one of the participating members in response to favorable purposes associated with messages transmitted by that particular participating member; and decrementing the score assigned to the particular participating member in response to

unfavorable purposes associated with messages transmitted by that particular participating member. However, Pollack discloses incrementing the score assigned to a particular one of the participating members in response to favorable purposes associated with messages transmitted by that particular participating member; and decrementing the score assigned to the particular participating member in response to unfavorable purposes associated with messages transmitted by that particular participating member (fig. 2; col. 5, lines 30-45; col. 10, lines 6-36; col. 11, lines 19-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Horvitz and Pollack because Pollack's adjusting the score would improve analyze user's communication messages by indicating the incoming message that the user is not interested in the incoming message (col. 11, lines 19-45).

36. As to claims 28 and 29, they are rejected for the same reasons set forth in claims 1 and 15 above. Horvitz does not specifically disclose incrementing the score assigned to a particular one of the participating members in response to favorable purposes associated with messages transmitted by that particular participating member; and decrementing the score assigned to the particular participating member in response to unfavorable purposes associated with messages transmitted by that particular participating member. However, Pollack discloses incrementing the score assigned to a particular one of the participating members in response to favorable purposes associated with messages transmitted by that particular participating member; and

Art Unit: 2154

decrementing the score assigned to the particular participating member in response to unfavorable purposes associated with messages transmitted by that particular participating member (fig. 2; col. 5, lines 30-45; col. 10, lines 6-36; col. 11, lines 19-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Horvitz and Pollack because Pollack's adjusting the score would improve analyze user's communication messages by indicating the incoming message that the user is not interested in the incoming message (col. 11, lines 19-45).

Response to Arguments

37. Applicant's arguments filed on 8/29/2005 have been fully considered but they are not persuasive.

38. In the remarks, applicants argued in substance that:

(1) Applicant argues on page 11 of remarks that "Horvitz does not, contrary to the Examiner's contention, determine the purpose of the message as claimed by the applicant. Therefore, Horvitz cannot teach characterizing the relationship amongst the members of the social network based on the purposes of the messages. Instead of determining the purpose of the message as claimed by the applicant, Horvitz determines only the importance of the message. Importance can be determined by the

Art Unit: 2154

recipient's activities (e.g., how quickly e-mails are opened or deleted) (Horvitz, pg. 5, 0071), or text in the message (e.g., "can you meet...") (Horvitz, pg. 13, 0159-0168).

Horvitz never determines, either from the recipient's activities or the text in the message, the purpose of the message. Instead, based on the recipient's activities and/or the text in the message, Horvitz determines the importance or urgency of an e-mail and even then only after the recipient has personalized various options".

Examiner respectfully disagrees. Page 16, paragraph 0252, of Horvitz specifically recites:

Other distinctions that may be considered in classification include the length of the message, whether **questions** have been detected, and whether the user's name is in the message. Language associated with **time criticality** may increase the message's importance. For example, phrases such as "**happening soon**," "**right away**," "**as soon as possible**," "**ASAP**," and "**deadline is**," may render the message more critical. **Usage of past tense as compared to future tense** may be considered, as well as **coordinative tasks** specified by phrases such as "**get together**," "**can we meet**," and so on. **Evidence of junk mail** may lower the priority of a message. Predicates representing combinations, such as a **short question** from a sender proximate to the user in the organization chart, may also be considered in the classification process.

This embodiment teaches precisely the determining a purpose of each of the messages recited by the applicant. Horvitz also teaches the limitation in page 12, 0124 – page 14, 0218, identify the senders, such as family member, friends, company/organization; information about the structure of organizational relationship relative to the user; past tense information; future-tense information; Meeting and Coordination Information; Resolved Date; Questions; Indications of Personal Requests; Indications of Need; Indications of Time Criticality; Importance; Signs of Commercial and Adult-Content Junk E-Mail; page 5, 0071, messages are saved, copied or forwarded; page 12, 0120-0121.

Furthermore, in response to applicant's argument with respect to "Horvitz never determines, ***either from the recipient's activities or the text in the message***, the purpose of the message", it is noted that the features upon which applicant relies are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In addition, Horvitz clearly discloses determining, either from the recipient's activities (page 4, 0062, background monitor can be provided to monitor a user's activities regarding message processing...determinations relating to a loss associated with a time for delayed review or processing of the message; page 5, 0071, monitoring sounds, keyboard activities, presence detectors, pauses when reviewing messages, how quickly messages are opened or deleted, and/or whether messages are saved, opened or forwarded; page 7, 0085, watching user activity or feedback) or the text in the message (page 12, 0124-0218; page 16, paragraph 0252), the purpose of the message.

39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2154

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jungwon Chang
November 4, 2005